

**Executive Summary – Enforcement Matter – Case No. 48513
E. I. du Pont de Nemours and Company
RN100216035
Docket No. 2014-0506-MLM-E**

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

MLM - IHW, UIC

Small Business:

No

Location(s) Where Violation(s) Occurred:

Chemours Beaumont Aniline Facility, 5470 North Twin City Highway, Nederland,
Jefferson County

Type of Operation:

Chemical manufacturing plant

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: May 25, 2018

Comments Received: No

Penalty Information

Total Penalty Assessed: \$214,852

Amount Deferred for Expedited Settlement: \$42,790

Total Paid to General Revenue: \$171,882

Total Due to General Revenue: \$0

Payment Plan: N/A

Compliance History Classifications:

Person/CN - Satisfactory

Site/RN - Satisfactory

Major Source: Yes

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: September 2002 and September 2011

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: May 17, 2012 and February 18, 2014

Date(s) of NOE(s): February 28, 2014

Executive Summary – Enforcement Matter – Case No. 48513
E. I. du Pont de Nemours and Company
RN100216035
Docket No. 2014-0506-MLM-E

Violation Information

1. Failed to conduct quarterly calibrations of Underground Injection Control ("UIC") well monitoring equipment. Specifically, calibration of the monitoring equipment was not conducted for the first quarter of 2011 [30 TEX. ADMIN. CODE § 331.63(g) and UIC Permit No. WDW188, Permit Provision ("P.P.") XI.E.2].
2. Caused, suffered, allowed, or permitted the unauthorized disposal of industrial and hazardous waste ("IHW") by failing to maintain and operate the Facility in a manner designed to minimize the possibility of an unplanned sudden release or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water. Specifically, a spill from the AWWT tank occurred on February 4, 2011, releasing approximately 18,570 pounds of hazardous waste (Environmental Protection Agency ("EPA") Waste Codes D018-benzene and D036-nitrobenzene) to the North/South run of "B" ditch [30 TEX. ADMIN. CODE §§ 335.43(a) and 335.112(a)(2), 40 CODE OF FEDERAL REGULATIONS ("CFR") §§ 265.31 and 270.1(c), and TEX. WATER CODE § 26.121].
3. Caused, suffered, allowed, or permitted the unauthorized disposal of IHW by failing to maintain and operate the Facility in a manner designed to minimize the possibility of an unplanned sudden release or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water. Specifically, a spill from the caustic storage tank (pipe) occurred on February 10, 2011, releasing approximately 20,500 pounds of hazardous waste (EPA Waste Code D002-corrosive waste) to the north ditch and the East/West run of "B" ditch [30 TEX. ADMIN. CODE §§ 335.43(a) and 335.112(a)(2), 40 CFR §§ 265.31 and 270.1(c), and TEX. WATER CODE § 26.121].
4. Caused, suffered, allowed, or permitted the unauthorized disposal of industrial solid waste ("ISW"). Specifically, a spill from the aniline safety tank occurred on March 2, 2011, releasing approximately 8,262 pounds of Class 1 waste to the ACRN/ANIL combined ditch [30 TEX. ADMIN. CODE § 335.2(b), 40 CFR § 270.1(c), and TEX. WATER CODE § 26.121].
5. Caused, suffered, allowed, or permitted the unauthorized disposal of IHW by failing to maintain and operate the Facility in a manner designed to minimize the possibility of an unplanned sudden release or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water. Specifically, a spill from the dilute HNO₃ tank occurred on March 17, 2011, releasing approximately 563 pounds of hazardous waste (EPA Waste Code D002-corrosive waste) to the North/South run of "B" ditch [30 TEX. ADMIN. CODE §§ 335.43(a) and 335.112(a)(2), 40 CFR §§ 265.31 and 270.1(c), and TEX. WATER CODE § 26.121].

Executive Summary – Enforcement Matter – Case No. 48513
E. I. du Pont de Nemours and Company
RN100216035
Docket No. 2014-0506-MLM-E

6. Caused, suffered, allowed, or permitted the unauthorized disposal of ISW and IHW by failing to maintain and operate the Facility in a manner designed to minimize the possibility of an unplanned sudden release or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water. Specifically, a spill from the west wastewater tank occurred on March 19, 2011, releasing approximately 48.4 pounds of hazardous waste (EPA Waste Codes D018-benzene and D036-nitrobenzene) and Class 1 waste to the North/South run of "B" ditch. The spill resulted in an unauthorized discharge from outfall 001 to the Neches River [30 TEX. ADMIN. CODE §§ 335.2(b), 335.43(a), and 335.112(a)(2), 40 CFR §§ 265.31 and 270.1(c), and TEX. WATER CODE § 26.121].
7. Failed to monitor the specific gravity of injected waste at least once every 24 hours. Specifically, samples were not collected for the 24-hour time periods on October 21 and November 1, 2011 [30 TEX. ADMIN. CODE § 331.64(b) and UIC Permit No. WDW188, P.P. VIII.G].
8. Failed to keep complete and accurate UIC records. Specifically, the Respondent's flow records were not accurate for November 12, 2011 [30 TEX. ADMIN. CODE § 331.67(a)(4) and UIC Permit No. WDW188, P.P.IX].
9. Failed to maintain an annulus pressure of at least 100 pounds per square inch ("psi") greater than the injection tubing pressure to prevent leaks from the well into unauthorized zones and to detect well malfunctions. Specifically, Quarterly Injection Reports showed the annulus pressure differential was less than 100 psi for a period of greater than 15 minutes on March 22 and 23, 2012 [30 TEX. ADMIN. CODE § 331.63(e) and UIC Permit No. WDW188, P.P.VII.F].
10. Failed to establish and maintain sufficient liability coverage for bodily injury and property damage to third parties caused by sudden or non-sudden accidental occurrences arising from operations of a hazardous waste Class 1 waste injection well. Specifically, the Respondent failed to secure financial assurance from May 1 to May 22, 2012 and failed to make an inflation adjustment [30 TEX. ADMIN. CODE § 331.142(b) and UIC Permit No. WDW188, P.P.X].
11. Failed to keep containers holding hazardous waste closed during storage, except when it is necessary to add and/or remove waste. Specifically, three hazardous waste containers were open while storing hazardous waste [30 TEX. ADMIN. CODE § 335.112(a)(8) and 40 CFR § 265.173(a)].
12. Failed to conspicuously post "No Smoking" signs wherever there is a hazard from ignitable or reactive waste. Specifically, Container Storage Area Notice of Registration Nos. 72, 84, and 100 did not have "No Smoking" signs posted [30 TEX. ADMIN. CODE § 335.112(a)(1) and 40 CFR § 265.17(a)].

Executive Summary – Enforcement Matter – Case No. 48513
E. I. du Pont de Nemours and Company
RN100216035
Docket No. 2014-0506-MLM-E

13. Failed to include an evacuation plan as part of the contingency plan [30 TEX. ADMIN. CODE § 335.112(a)(3) and 40 CFR § 265.52(f)].

14. Caused, suffered, allowed, or permitted the unauthorized disposal of ISW and IHW by failing to maintain and operate the Facility in a manner designed to minimize the possibility of an unplanned sudden release or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water. Specifically, a spill from the purge column pressure relief valve occurred on November 3, 2011, releasing approximately 800.4 pounds of hazardous waste (EPA Waste Code D036-nitrobenzene) and Class 1 waste to the ACRN/ANIL combined ditch. The spill resulted in an unauthorized discharge from outfall 002 to the Neches River [30 TEX. ADMIN. CODE §§ 335.2(b), 335.43(a), and 335.112(a)(2), 40 CFR §§ 265.31 and 270.1(c), and TEX. WATER CODE § 26.121].

15. Caused, suffered, allowed, or permitted the unauthorized disposal of IHW by failing to maintain and operate the Facility in a manner designed to minimize the possibility of an unplanned sudden release or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water. Specifically, a spill occurred on April 10, 2012, releasing approximately 648 pounds of hazardous waste (EPA Waste Codes D002-corrosive waste and D036-nitrobenzene) to the North ditch [30 TEX. ADMIN. CODE §§ 335.43(a) and 335.112(a)(2), 40 CFR §§ 265.31 and 270.1(c), and TEX. WATER CODE § 26.121].

16. Caused, suffered, allowed, or permitted the unauthorized disposal of ISW and IHW by failing to maintain and operate the Facility in a manner designed to minimize the possibility of an unplanned sudden release or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water. Specifically, a spill occurred from off-loading of a vacuum truck on April 15, 2012, releasing approximately 5,970 pounds of hazardous waste (EPA Waste Codes D018-benzene and D036-nitrobenzene) and Class 1 waste to the ACRN/ANIL combined ditch [30 TEX. ADMIN. CODE §§ 335.2(b), 335.43(a), and 335.112(a)(2), 40 CFR §§ 265.31 and 270.1(c), and TEX. WATER CODE § 26.121].

17. Caused, suffered, allowed, or permitted the unauthorized disposal of IHW by failing to maintain and operate the Facility in a manner designed to minimize the possibility of an unplanned sudden release or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water. Specifically, a spill occurred on May 18, 2013, releasing approximately 275,000 gallons of wastewater mixed with approximately 8.495 pounds of hazardous waste (EPA Waste Code U012-aniline). The spill caused unauthorized discharges to soil in unlined earthen wastewater conveyance ditches and to Lucite Beaumont Site's B Diversion Tank [30 TEX. ADMIN. CODE §§ 335.43(a) and 335.112(a)(2), 40 CFR §§ 265.31 and 270.1(c), and TEX. WATER CODE § 26.121].

Executive Summary – Enforcement Matter – Case No. 48513
E. I. du Pont de Nemours and Company
RN100216035
Docket No. 2014-0506-MLM-E

18. Caused, suffered, allowed, or permitted the unauthorized disposal of IHW by failing to maintain and operate the Facility in a manner designed to minimize the possibility of an unplanned sudden release or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water. Specifically, a spill occurred on October 19, 2013, releasing approximately 200,000 gallons of wastewater mixed with approximately 7.0 pounds of hazardous waste (EPA Waste Code D036-nitrobenzene). The spill caused unauthorized discharges to soil in unlined earthen wastewater conveyance ditches and to Lucite Beaumont Site's B Diversion Tank [30 TEX. ADMIN. CODE §§ 335.43(a) and 335.112(a)(2), 40 CFR §§ 265.31 and 270.1(c), and TEX. WATER CODE § 26.121].

19. Failed to keep records of all hazardous and ISW activities. Specifically, closure records were not provided for Notice of Registration Waste Management Unit No. 090 [30 TEX. ADMIN. CODE § 335.9(a)(1)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

The Respondent implemented the following corrective measures:

- a. Submitted documentation demonstrating quarterly equipment calibrations of all UIC equipment were being conducted on October 26, 2012;
- b. Submitted documentation demonstrating the implementation of procedures and conducted employee training on procedures designed to ensure the specific gravity of injected waste is monitored every 24 hours on October 26, 2012;
- c. Submitted documentation demonstrating training on maintaining complete and accurate UIC records was conducted for Facility employees on October 26, 2012;
- d. Obtained sufficient financial assurance for Waste Disposal Well 188 on May 22, 2012;
- e. Submitted documentation demonstrating all containers holding hazardous wastes are closed during storage on October 26, 2012;
- f. Posted "No Smoking" signs at Container Storage Area Notice of Registration Nos. 72, 84, and 100 on October 18, 2012;
- g. Submitted documentation demonstrating that the evacuation plan has been added to the contingency plan on October 26, 2012; and

**Executive Summary – Enforcement Matter – Case No. 48513
E. I. du Pont de Nemours and Company
RN100216035
Docket No. 2014-0506-MLM-E**

h. Submitted closure records for Notice of Registration Waste Management Unit No. 090 on March 27, 2014.

Technical Requirements:

N/A

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Danielle Porras, Enforcement Division, Enforcement Team 7, MC R-12, (713) 767-3682; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548

Respondent: Edward Breen, Director, E. I. du Pont de Nemours and Company, 974 Centre Road, Wilmington, Delaware 19805-1269

Matthew C. Koenings, Vice President – Corporate Operations, E. I. du Pont de Nemours and Company, 974 Centre Road, Wilmington, Delaware 19805-1269

Respondent's Attorney: Rod Johnson, Enoch Keever PLLC, 5918 West Courtyard Drive, Suite 500, Austin, Texas 78730



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

TCEQ

DATES	Assigned	15-Oct-2012	Screening	18-Oct-2012	EPA Due	
	PCW	12-Oct-2017				

RESPONDENT/FACILITY INFORMATION

Respondent	E. I. du Pont de Nemours and Company		
Reg. Ent. Ref. No.	RN100216035		
Facility/Site Region	10-Beaumont	Major/Minor Source	Major

CASE INFORMATION

Enf./Case ID No.	48513	No. of Violations	6
Docket No.	2014-0506-MLM-E	Order Type	1660
Media Program(s)	Industrial and Hazardous Waste	Government/Non-Profit	No
Multi-Media	Underground Injection Control	Enf. Coordinator	Keith Frank
		EC's Team	Enforcement Team 6
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) **Subtotal 1** **\$25,000**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History **60.0%** Adjustment **Subtotals 2, 3, & 7** **\$15,000**

Notes Enhancement for three orders containing a denial of liability.

Culpability **No** **0.0%** Enhancement **Subtotal 4** **\$0**

Notes The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments **Subtotal 5** **-\$250**

Economic Benefit **50.0%** Enhancement* **Subtotal 6** **\$12,500**

Total EB Amounts	\$19,687
Estimated Cost of Compliance	\$15,573

*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7 **Final Subtotal** **\$52,250**

OTHER FACTORS AS JUSTICE MAY REQUIRE **13.8%** Adjustment **\$7,187**

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes Recommended enhancement to capture the avoided cost of compliance associated with the violations minus the Economic Benefit Enhancement.

Final Penalty Amount **\$59,437**

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty** **\$59,437**

DEFERRAL **20.0%** Reduction Adjustment **-\$11,887**

Reduces the Final Assessed Penalty by the indicated percentage.

Notes Deferral offered for expedited settlement.

PAYABLE PENALTY **\$47,550**

Screening Date 18-Oct-2012

Docket No. 2014-0506-MLM-E

PCW

Respondent E. I. du Pont de Nemours and Company

Policy Revision 2 (September 2002)

Case ID No. 48513

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100216035

Media [Statute] Industrial and Hazardous Waste

Enf. Coordinator Keith Frank

Compliance History Worksheet

>> **Compliance History Site Enhancement (Subtotal 2)**

Component	Number of...	Number	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	0	0%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	3	60%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgments or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 60%

>> **Repeat Violator (Subtotal 3)**

No

Adjustment Percentage (Subtotal 3) 0%

>> **Compliance History Person Classification (Subtotal 7)**

Satisfactory Performer

Adjustment Percentage (Subtotal 7) 0%

>> **Compliance History Summary**

Compliance History Notes

Enhancement for three orders containing a denial of liability.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 60%

Screening Date 18-Oct-2012

Docket No. 2014-0506-MLM-E

PCW

Respondent E. I. du Pont de Nemours and Company

Policy Revision 2 (September 2002)

Case ID No. 48513

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100216035

Media [Statute] Industrial and Hazardous Waste

Enf. Coordinator Keith Frank

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code § 331.63(g) and Underground Injection Control ("UIC") Permit No. Waste Disposal Well 188, Permit Provision XI.E.2.

Violation Description Failed to conduct quarterly calibrations of UIC well monitoring equipment. Specifically, calibration of the monitoring equipment was not conducted for the first quarter of 2011.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				25%
Potential		x		

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0%

Matrix Notes Human health or the environment will or could be exposed to significant amounts of pollutants that would not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events 1 Number of violation days 154

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$2,500

One single event is recommended.

Good Faith Efforts to Comply

10.0%

Reduction \$250

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		x
N/A		

Notes The Respondent came into compliance on October 26, 2012, after the Notice of Enforcement dated September 28, 2012.

Violation Subtotal \$2,250

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$113

Violation Final Penalty Total \$5,688

This violation Final Assessed Penalty (adjusted for limits) \$5,688

Economic Benefit Worksheet

Respondent E. I. du Pont de Nemours and Company
Case ID No. 48513
Reg. Ent. Reference No. RN100216035
Media Industrial and Hazardous Waste
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Avoided Costs **ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)**

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]	\$100	31-Mar-2011	26-Oct-2012	2.49	\$13	\$100	\$113
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Estimated avoided cost to conduct quarterly equipment calibrations of all UIC well monitoring equipment at the Facility. Date Required is the final day of the first quarter of 2011. Final Date is the date of compliance.

Approx. Cost of Compliance \$100

TOTAL \$113

Screening Date 18-Oct-2012

Docket No. 2014-0506-MLM-E

PCW

Respondent E. I. du Pont de Nemours and Company

Policy Revision 2 (September 2002)

Case ID No. 48513

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100216035

Media [Statute] Industrial and Hazardous Waste

Enf. Coordinator Keith Frank

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code §§ 335.43(a) and 335.112(a)(2), 40 Code of Federal Regulations ("CFR") §§ 265.31 and 270.1(c), and Tex. Water Code § 26.121

Violation Description

Caused, suffered, allowed, or permitted the unauthorized disposal of industrial hazardous waste ("IHW") by failing to maintain and operate the Facility in a manner designed to minimize the possibility of an unplanned sudden release or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water. Specifically, a spill from the AWWT tank occurred on February 4, 2011, releasing approximately 18,570 pounds of hazardous waste (Environmental Protection Agency ("EPA") Waste Codes D018-benzene and D036-nitrobenzene) to the North/South run of "B" ditch.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual		X	
Potential			

Percent 50%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Human health or the environment has been exposed to significant amounts of pollutants that do not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$5,000

\$5,000

Violation Events

Number of Violation Events 1

622 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	X

Violation Base Penalty \$5,000

One single event is recommended.

Good Faith Efforts to Comply

0.0%

Reduction \$0

	Before NOV	NOV to EDRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	X	

Notes The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$5,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$7,437

Violation Final Penalty Total \$11,944

This violation Final Assessed Penalty (adjusted for limits) \$11,944

Economic Benefit Worksheet

Respondent E. I. du Pont de Nemours and Company
Case ID No. 48513
Reg. Ent. Reference No. RN100216035
Media Industrial and Hazardous Waste
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]	\$5,874	4-Feb-2011	1-Jul-2015	5.32	\$1,563	\$5,874	\$7,437
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Estimated avoided cost to properly dispose of approximately 18,570 pounds of hazardous waste at an authorized facility. Date Required is the spill date. Final Date is the date of ownership change.

Approx. Cost of Compliance \$5,874

TOTAL \$7,437

Screening Date 18-Oct-2012

Docket No. 2014-0506-MLM-E

PCW

Respondent E. I. du Pont de Nemours and Company

Policy Revision 2 (September 2002)

Case ID No. 48513

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100216035

Media [Statute] Industrial and Hazardous Waste

Enf. Coordinator Keith Frank

Violation Number 3

Rule Cite(s) 30 Tex. Admin. Code §§ 335.43(a) and 335.112(a)(2), 40 CFR §§ 265.31 and 270.1(c), and Tex. Water Code § 26.121

Violation Description

Caused, suffered, allowed, or permitted the unauthorized disposal of IHW by failing to maintain and operate the Facility in a manner designed to minimize the possibility of an unplanned sudden release or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water. Specifically, a spill from the caustic storage tank (pipe) occurred on February 10, 2011, releasing approximately 20,500 pounds of hazardous waste (EPA Waste Code D002-corrosive waste) to the north ditch and the East/West run of "B" ditch.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual		x	
Potential			

Percent 50%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Human health or the environment has been exposed to significant amounts of pollutants that do not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$5,000

\$5,000

Violation Events

Number of Violation Events 1

616 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$5,000

One single event is recommended.

Good Faith Efforts to Comply

0.0%

Reduction \$0

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	x	

Notes The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$5,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$8,192

Violation Final Penalty Total \$11,944

This violation Final Assessed Penalty (adjusted for limits) \$11,944

Economic Benefit Worksheet

Respondent E. I. du Pont de Nemours and Company
Case ID No. 48513
Reg. Ent. Reference No. RN100216035
Media Industrial and Hazardous Waste
Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
------------------	-----------	---------------	------------	-----	----------------	---------------	-----------

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]	\$6,474	10-Feb-2011	1-Jul-2015	5.31	\$1,718	\$6,474	\$8,192
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Estimated avoided cost to properly dispose of approximately 20,500 pounds of hazardous waste at an authorized facility. Date Required is the spill date. Final Date is the date of ownership change.

Approx. Cost of Compliance

\$6,474

TOTAL

\$8,192

Screening Date 18-Oct-2012

Docket No. 2014-0506-MLM-E

PCW

Respondent E. I. du Pont de Nemours and Company

Policy Revision 2 (September 2002)

Case ID No. 48513

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100216035

Media [Statute] Industrial and Hazardous Waste

Enf. Coordinator Keith Frank

Violation Number 4

Rule Cite(s)

30 Tex. Admin. Code § 335.2(b), 40 CFR § 270.1(c), and Tex. Water Code § 26.121

Violation Description

Caused, suffered, allowed, or permitted the unauthorized disposal of industrial solid waste ("ISW"). Specifically, a spill from the aniline safety tank occurred on March 2, 2011, releasing approximately 8,262 pounds of Class 1 waste to the ACRN/ANIL combined ditch.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			x
Potential			

Percent 25%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Human health or the environment has been exposed to insignificant amounts of pollutants that do not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events 1

596 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$2,500

One single event is recommended.

Good Faith Efforts to Comply

0.0%

Reduction \$0

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	x	

Notes

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$2,500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$3,370

Violation Final Penalty Total \$5,972

This violation Final Assessed Penalty (adjusted for limits) \$5,972

Economic Benefit Worksheet

Respondent E. I. du Pont de Nemours and Company
Case ID No. 48513
Reg. Ent. Reference No. RN100216035
Media Industrial and Hazardous Waste
Violation No. 4

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
------------------	-----------	---------------	------------	-----	----------------	---------------	-----------

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]	\$2,669	2-Mar-2011	1-Jul-2015	5.25	\$701	\$2,669	\$3,370
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Estimated avoided cost to properly dispose of approximately 8,262 pounds of Class I waste at an authorized facility. Date Required is the spill date. Final Date is the date of ownership change.

Approx. Cost of Compliance

\$2,669

TOTAL

\$3,370

Screening Date 18-Oct-2012

Docket No. 2014-0506-MLM-E

PCW

Respondent E. I. du Pont de Nemours and Company

Policy Revision 2 (September 2002)

Case ID No. 48513

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100216035

Media [Statute] Industrial and Hazardous Waste

Enf. Coordinator Keith Frank

Violation Number 5

Rule Cite(s) 30 Tex. Admin. Code §§ 335.43(a) and 335.112(a)(2), 40 CFR §§ 265.31 and 270.1(c), and Tex. Water Code § 26.121

Violation Description

Caused, suffered, allowed, or permitted the unauthorized disposal of IHW by failing to maintain and operate the Facility in a manner designed to minimize the possibility of an unplanned sudden release or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water. Specifically, a spill from the dilute HNO3 tank occurred on March 17, 2011, releasing approximately 563 pounds of hazardous waste (EPA Waste Code D002-corrosive waste) to the North/South run of "B" ditch.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual		X		50%
	Potential				

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0%

Matrix Notes

Human health or the environment has been exposed to significant amounts of pollutants that do not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$5,000

\$5,000

Violation Events

Number of Violation Events 1 581 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	X

Violation Base Penalty \$5,000

One single event is recommended.

Good Faith Efforts to Comply

0.0%

Reduction \$0

	Before NOV	NOV to EDRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	X	

Notes The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$5,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$348

Violation Final Penalty Total \$11,944

This violation Final Assessed Penalty (adjusted for limits) \$11,944

Economic Benefit Worksheet

Respondent E. I. du Pont de Nemours and Company
Case ID No. 48513
Reg. Ent. Reference No. RN100216035
Media Industrial and Hazardous Waste
Violation No. 5

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
------------------	-----------	---------------	------------	-----	----------------	---------------	-----------

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]	\$276	17-Mar-2011	1-Jul-2015	5.21	\$72	\$276	\$348
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Estimated avoided cost to properly dispose of approximately 563 pounds of hazardous waste at an authorized facility. Date Required is the spill date. Final Date is the date of ownership change.

Approx. Cost of Compliance

\$276

TOTAL

\$348

Screening Date 18-Oct-2012

Docket No. 2014-0506-MLM-E

PCW

Respondent E. I. du Pont de Nemours and Company

Policy Revision 2 (September 2002)

Case ID No. 48513

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100216035

Media [Statute] Industrial and Hazardous Waste

Enf. Coordinator Keith Frank

Violation Number 6

Rule Cite(s) 30 Tex. Admin. Code §§ 335.2(b), 335.43(a), and 335.112(a)(2), 40 CFR §§ 265.31 and 270.1(c), and Tex. Water Code § 26.121

Violation Description

Caused, suffered, allowed, or permitted the unauthorized disposal of ISW and IHW by failing to maintain and operate the Facility in a manner designed to minimize the possibility of an unplanned sudden release or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water. Specifically, a spill from the west wastewater tank occurred on March 19, 2011, releasing approximately 48.4 pounds of hazardous waste (EPA Waste Codes D018-benzene and D036-nitrobenzene) and Class 1 waste to the North/South run of "B" ditch. The spill resulted in an unauthorized discharge from outfall 001 to the Neches River.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual		x		50%
	Potential				

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
					0%

Matrix Notes Human health or the environment has been exposed to significant amounts of pollutants that do not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$5,000

\$5,000

Violation Events

Number of Violation Events 1 Number of violation days 579

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$5,000

One single event is recommended.

Good Faith Efforts to Comply

0.0% Reduction \$0

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	x	

Notes The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$5,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$227

Violation Final Penalty Total \$11,944

This violation Final Assessed Penalty (adjusted for limits) \$11,944

Economic Benefit Worksheet

Respondent E. I. du Pont de Nemours and Company
Case ID No. 48513
Reg. Ent. Reference No. RN100216035
Media Industrial and Hazardous Waste
Violation No. 6

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
------------------	-----------	---------------	------------	-----	----------------	---------------	-----------

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]	\$180	19-Mar-2011	1-Jul-2015	5.21	\$47	\$180	\$227
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Estimated avoided cost to properly dispose of approximately 48.4 pounds of hazardous waste and Class I waste at an authorized facility. Date Required is the spill date. Final Date is the date of ownership change.

Approx. Cost of Compliance

\$180

TOTAL

\$227



Penalty Calculation Worksheet (PCW)

Policy Revision 3 (September 2011)

PCW Revision August 3, 2011

TCEQ

DATES	Assigned PCW	15-Oct-2012	Screening	18-Oct-2012	EPA Due	
		26-Feb-2018				

RESPONDENT/FACILITY INFORMATION	
Respondent	E. I. du Pont de Nemours and Company
Reg. Ent. Ref. No.	RN100216035
Facility/Site Region	10-Beaumont
Major/Minor Source	Major

CASE INFORMATION			
Enf./Case ID No.	48513	No. of Violations	10
Docket No.	2014-0506-MLM-E	Order Type	1660
Media Program(s)	Industrial and Hazardous Waste	Government/Non-Profit	No
Multi-Media	Underground Injection Control	Enf. Coordinator	Keith Frank
		EC's Team	Enforcement Team 6
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$25,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) **Subtotal 1** **\$75,000**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History **60.0%** Adjustment **Subtotals 2, 3, & 7** **\$45,000**

Notes: Enhancement for three orders containing a denial of liability.

Culpability **No** **0.0%** Enhancement **Subtotal 4** **\$0**

Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments **Subtotal 5** **-\$4,312**

Economic Benefit **0.0%** Enhancement* **Subtotal 6** **\$0**

Total EB Amounts: \$3,405
Estimated Cost of Compliance: \$9,882
*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7 **Final Subtotal** **\$115,688**

OTHER FACTORS AS JUSTICE MAY REQUIRE **2.90%** Adjustment **\$3,352**

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes: Recommended enhancement to capture the avoided cost of compliance associated with Violation Nos. 1, 3, 8, 9, and 10.

Final Penalty Amount **\$119,040**

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty** **\$119,040**

DEFERRAL **20.0%** Reduction Adjustment **-\$23,808**

Reduces the Final Assessed Penalty by the indicated percentage.

Notes: Deferral offered for expedited settlement.

PAYABLE PENALTY **\$95,232**

Screening Date 18-Oct-2012

Docket No. 2014-0506-MLM-E

PCW

Respondent E. I. du Pont de Nemours and Company

Policy Revision 3 (September 2011)

Case ID No. 48513

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN100216035

Media [Statute] Industrial and Hazardous Waste

Enf. Coordinator Keith Frank

Compliance History Worksheet

>> **Compliance History Site Enhancement (Subtotal 2)**

Component	Number of...	Number	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	0	0%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	3	60%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgments or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 60%

>> **Repeat Violator (Subtotal 3)**

No

Adjustment Percentage (Subtotal 3) 0%

>> **Compliance History Person Classification (Subtotal 7)**

Satisfactory Performer

Adjustment Percentage (Subtotal 7) 0%

>> **Compliance History Summary**

Compliance History Notes

Enhancement for three orders containing a denial of liability.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 60%

>> **Final Compliance History Adjustment**

Final Adjustment Percentage *capped at 100% 60%

Screening Date 18-Oct-2012

Docket No. 2014-0506-MLM-E

PCW

Respondent E. I. du Pont de Nemours and Company

Policy Revision 3 (September 2011)

Case ID No. 48513

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN100216035

Media [Statute] Industrial and Hazardous Waste

Enf. Coordinator Keith Frank

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code § 331.64(b) and Underground Injection Control ("UIC") Permit No. Waste Disposal Well ("WDW") 188, Permit Provision ("P.P.") VIII.G.

Violation Description Failed to monitor the specific gravity of injected waste at least once every 24 hours. Specifically, samples were not collected for the 24-hour time periods on October 21 and November 1, 2011.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential		x	

Percent 15.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

Human health or the environment will or could be exposed to significant amounts of pollutants that would not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$21,250

\$3,750

Violation Events

Number of Violation Events 2

2 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$7,500

Two single events are recommended (one event for each sample not collected).

Good Faith Efforts to Comply

10.0%

Reduction \$750

	Before NOE/NOV	NOE/NOV to EDRP/ Settlement Offer
Extraordinary		
Ordinary		x
N/A		

Notes The Respondent came into compliance on October 26, 2012, after the Notice of Enforcement ("NOE") dated September 28, 2012.

Violation Subtotal \$6,750

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$111

Violation Final Penalty Total \$11,576

This violation Final Assessed Penalty (adjusted for limits) \$11,576

Economic Benefit Worksheet

Respondent E. I. du Pont de Nemours and Company
Case ID No. 48513
Reg. Ent. Reference No. RN100216035
Media Industrial and Hazardous Waste
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
------------------	-----------	---------------	------------	-----	----------------	---------------	-----------

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$500	17-May-2012	26-Oct-2012	0.44	\$11	n/a	\$11

Notes for DELAYED costs

Estimated cost to develop and implement procedures designed to ensure the specific gravity of injected waste is monitored every 24 hours. Date Required is the investigation date. Final Date is the date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]	\$100	21-Oct-2011	1-Nov-2011	0.00	\$0	\$100	\$100
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Estimated avoided cost to monitor the specific gravity of injected waste for each 24-hour period (\$50 for each sample). Date Required is the first date the specific gravity was not monitored. Final Date is the last date the specific gravity was not monitored.

Approx. Cost of Compliance

\$600

TOTAL

\$111

Screening Date 18-Oct-2012

Docket No. 2014-0506-MLM-E

PCW

Respondent E. I. du Pont de Nemours and Company

Policy Revision 3 (September 2011)

Case ID No. 48513

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN100216035

Media [Statute] Industrial and Hazardous Waste

Enf. Coordinator Keith Frank

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code § 331.67(a)(4) and UIC Permit No. WDW188, P.P.IX.

Violation Description Failed to keep complete and accurate UIC records. Specifically, the Respondent's flow records were not accurate for November 12, 2011.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
	x		

Percent 15.0%

Matrix Notes

100% of the rule requirement was not met.

Adjustment \$21,250

\$3,750

Violation Events

Number of Violation Events 1

1 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$3,750

One single event is recommended.

Good Faith Efforts to Comply

10.0%

Reduction \$375

	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		x
N/A		

Notes

The Respondent came into compliance on October 26, 2012, after the NOE dated September 28, 2012.

Violation Subtotal \$3,375

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$11

Violation Final Penalty Total \$5,788

This violation Final Assessed Penalty (adjusted for limits) \$5,788

Economic Benefit Worksheet

Respondent E. I. du Pont de Nemours and Company
Case ID No. 48513
Reg. Ent. Reference No. RN100216035
Media Industrial and Hazardous Waste
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
------------------	-----------	---------------	------------	-----	----------------	---------------	-----------

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System	\$500	17-May-2012	26-Oct-2012	0.44	\$11	n/a	\$11
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to begin maintaining complete and accurate UIC records at the Facility. Date Required is the investigation date. Final Date is the compliance date.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$500

TOTAL

\$11

Screening Date 18-Oct-2012

Docket No. 2014-0506-MLM-E

PCW

Respondent E. I. du Pont de Nemours and Company

Policy Revision 3 (September 2011)

Case ID No. 48513

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN100216035

Media [Statute] Industrial and Hazardous Waste

Enf. Coordinator Keith Frank

Violation Number 3

Rule Cite(s) 30 Tex. Admin. Code § 331.63(e) and UIC Permit No. WDW188, P.P.VII.F.

Violation Description Failed to maintain an annulus pressure of at least 100 pounds per square inch ("psi") greater than the injection tubing pressure to prevent leaks from the well into unauthorized zones and to detect well malfunctions. Specifically, Quarterly Injection Reports showed the annulus pressure differential was less than 100 psi for a period of greater than 15 minutes on March 22 and 23, 2012.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				30.0%
Potential	x			

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0.0%

Matrix Notes Human health or the environment will or could be exposed to pollutants that would exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$17,500

\$7,500

Violation Events

Number of Violation Events 2 Number of violation days 2

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$15,000

Two single events are recommended (one event for each deviation).

Good Faith Efforts to Comply

0.0%

Reduction \$0

	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	x	

Notes The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$15,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$100

Violation Final Penalty Total \$24,695

This violation Final Assessed Penalty (adjusted for limits) \$24,695

Economic Benefit Worksheet

Respondent E. I. du Pont de Nemours and Company
Case ID No. 48513
Reg. Ent. Reference No. RN100216035
Media Industrial and Hazardous Waste
Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
------------------	-----------	---------------	------------	-----	----------------	---------------	-----------

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]	\$100	22-Mar-2012	23-Mar-2012	0.00	\$0	\$100	\$100
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Estimated avoided cost to properly operate the UIC well for the duration of the two deviations (\$50 per deviation). Date Required is the first recorded annulus pressure deviation. Final Date is the last recorded annulus pressure deviation.

Approx. Cost of Compliance

\$100

TOTAL

\$100

Screening Date 18-Oct-2012

Docket No. 2014-0506-MLM-E

PCW

Respondent E. I. du Pont de Nemours and Company

Policy Revision 3 (September 2011)

Case ID No. 48513

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN100216035

Media [Statute] Industrial and Hazardous Waste

Enf. Coordinator Keith Frank

Violation Number 4

Rule Cite(s) 30 Tex. Admin. Code § 331.142(b) and UIC Permit No. WDW188, P.P.X.

Violation Description

Failed to establish and maintain sufficient liability coverage for bodily injury and property damage to third parties caused by sudden or non-sudden accidental occurrences arising from operations of a hazardous waste Class 1 waste injection well. Specifically, the Respondent failed to secure financial assurance from May 1 to May 22, 2012 and failed to make an inflation adjustment.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				0.0%
Potential				

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
	x			15.0%

Matrix Notes

100% of the rule requirement was not met.

Adjustment \$21,250

\$3,750

Violation Events

Number of Violation Events 1 Number of violation days 21

daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty \$3,750

One monthly event is recommended based on documentation of the violation from May 1, 2012 to the May 22, 2012 date of compliance.

Good Faith Efforts to Comply

25.0%

Reduction \$937

Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer

Extraordinary	
Ordinary	x
N/A	

Notes

The Respondent came into compliance on May 22, 2012, prior to the NOE dated September 28, 2012.

Violation Subtotal \$2,813

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$15

Violation Final Penalty Total \$5,210

This violation Final Assessed Penalty (adjusted for limits) \$5,210

Economic Benefit Worksheet

Respondent E. I. du Pont de Nemours and Company
Case ID No. 48513
Reg. Ent. Reference No. RN100216035
Media Industrial and Hazardous Waste
Violation No. 4

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
------------------	-----------	---------------	------------	-----	----------------	---------------	-----------

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$5,376	1-May-2012	22-May-2012	0.06	\$15	n/a	\$15

Notes for DELAYED costs

Estimated cost of adjusted financial assurance. Date Required is the date the financial assurance lapsed. Final Date is the date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$5,376

TOTAL

\$15

Screening Date 18-Oct-2012

Docket No. 2014-0506-MLM-E

PCW

Respondent E. I. du Pont de Nemours and Company

Policy Revision 3 (September 2011)

Case ID No. 48513

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN100216035

Media [Statute] Industrial and Hazardous Waste

Enf. Coordinator Keith Frank

Violation Number 5

Rule Cite(s) 30 Tex. Admin. Code § 335.112(a)(8) and 40 Code of Federal Regulations ("CFR") § 265.173(a)

Violation Description

Failed to keep containers holding hazardous waste closed during storage, except when it is necessary to add and/or remove waste. Specifically, three hazardous waste containers were open while storing hazardous waste.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential		x	

Percent 15.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

Human health or the environment will or could be exposed to significant amounts of pollutants that would not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$21,250

\$3,750

Violation Events

Number of Violation Events 2

154 Number of violation days

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty \$7,500

Two quarterly events are recommended based on documentation of the violation from the May 17, 2012 investigation to the October 18, 2012 screening date.

Good Faith Efforts to Comply

10.0%

Reduction \$750

	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		x
N/A		

Notes The Respondent came into compliance on October 26, 2012, after the NOE dated September 28, 2012.

Violation Subtotal \$6,750

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$11

Violation Final Penalty Total \$11,576

This violation Final Assessed Penalty (adjusted for limits) \$11,576

Economic Benefit Worksheet

Respondent E. I. du Pont de Nemours and Company
Case ID No. 48513
Reg. Ent. Reference No. RN100216035
Media Industrial and Hazardous Waste
Violation No. 5

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$500	17-May-2012	26-Oct-2012	0.44	\$11	n/a	\$11

Notes for DELAYED costs

Estimated cost to develop and implement procedures designed to ensure that all containers holding hazardous waste remain closed during storage. Date Required is the investigation date. Final Date is the date of compliance.

Avoided Costs	ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)						
Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance \$500
TOTAL \$11

Screening Date 18-Oct-2012

Docket No. 2014-0506-MLM-E

PCW

Respondent E. I. du Pont de Nemours and Company

Policy Revision 3 (September 2011)

Case ID No. 48513

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN100216035

Media [Statute] Industrial and Hazardous Waste

Enf. Coordinator Keith Frank

Violation Number 6

Rule Cite(s) 30 Tex. Admin. Code § 335.112(a)(1) and 40 CFR § 265.17(a)

Violation Description Failed to conspicuously post "No Smoking" signs wherever there is a hazard from ignitable or reactive waste. Specifically, Container Storage Area ("CSA") Notice of Registration ("NOR") Nos. 72, 84, and 100 did not have "No Smoking" signs posted.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
	x		

Percent 15.0%

Matrix Notes

100% of the rule requirement was not met.

Adjustment \$21,250

\$3,750

Violation Events

Number of Violation Events 3

154 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$11,250

Three single events are recommended (one event for each CSA without a posted "No Smoking" sign).

Good Faith Efforts to Comply

10.0%

Reduction \$1,125

	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		x
N/A		

Notes

The Respondent came into compliance on October 18, 2012, after the NOE dated September 28, 2012.

Violation Subtotal \$10,125

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$2

Violation Final Penalty Total \$17,364

This violation Final Assessed Penalty (adjusted for limits) \$17,364

Economic Benefit Worksheet

Respondent E. I. du Pont de Nemours and Company
Case ID No. 48513
Reg. Ent. Reference No. RN100216035
Media Industrial and Hazardous Waste
Violation No. 6

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
------------------	-----------	---------------	------------	-----	----------------	---------------	-----------

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$100	17-May-2012	18-Oct-2012	0.42	\$2	n/a	\$2

Notes for DELAYED costs

Estimated cost to post "No Smoking" signs in CSA NOR Nos. 72, 84, and 100. Date Required is the investigation date. Final Date is the date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$100

TOTAL

\$2

Screening Date 18-Oct-2012

Docket No. 2014-0506-MLM-E

PCW

Respondent E. I. du Pont de Nemours and Company

Policy Revision 3 (September 2011)

Case ID No. 48513

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN100216035

Media [Statute] Industrial and Hazardous Waste

Enf. Coordinator Keith Frank

Violation Number 7

Rule Cite(s) 30 Tex. Admin. Code § 335.112(a)(3) and 40 CFR § 265.52(f)

Violation Description Failed to include an evacuation plan as part of the contingency plan.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				0.0%
Potential				

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
	x			15.0%

Matrix Notes 100% of the rule requirement was not met.

Adjustment \$21,250

\$3,750

Violation Events

Number of Violation Events 1 154 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$3,750

One single event is recommended.

Good Faith Efforts to Comply

10.0% Reduction \$375

	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		x
N/A		

Notes The Respondent came into compliance on October 26, 2012, after the NOE dated September 28, 2012.

Violation Subtotal \$3,375

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$2 Violation Final Penalty Total \$5,788

This violation Final Assessed Penalty (adjusted for limits) \$5,788

Economic Benefit Worksheet

Respondent E. I. du Pont de Nemours and Company
Case ID No. 48513
Reg. Ent. Reference No. RN100216035
Media Industrial and Hazardous Waste
Violation No. 7

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
------------------	-----------	---------------	------------	-----	----------------	---------------	-----------

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System	\$100	17-May-2012	26-Oct-2012	0.44	\$2	n/a	\$2
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to include an evacuation plan as part of the contingency plan. Date Required is the investigation date. Final Date is the date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$100

TOTAL

\$2

Screening Date 18-Oct-2012

Docket No. 2014-0506-MLM-E

PCW

Respondent E. I. du Pont de Nemours and Company

Policy Revision 3 (September 2011)

Case ID No. 48513

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN100216035

Media [Statute] Industrial and Hazardous Waste

Enf. Coordinator Keith Frank

Violation Number 8

Rule Cite(s) 30 Tex. Admin. Code §§ 335.2(b), 335.43(a), and 335.112(a)(2), 40 CFR §§ 265.31 and 270.1(c), and Tex. Water Code § 26.121

Violation Description

Caused, suffered, allowed, or permitted the unauthorized disposal of industrial solid waste ("ISW") and industrial hazardous waste ("IHW") by failing to maintain and operate the Facility in a manner designed to minimize the possibility of an unplanned sudden release or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water. Specifically, a spill from the purge column pressure relief valve occurred on November 3, 2011, releasing approximately 800.4 pounds of hazardous waste (Environmental Protection Agency ("EPA") Waste Code D036-nitrobenzene) and Class 1 waste to the ACRN/ANIL combined ditch. The spill resulted in an unauthorized discharge from outfall 002 to the Neches River.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual		X	
Potential			

Percent 30.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

Human health or the environment has been exposed to significant amounts of pollutants that do not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$17,500

\$7,500

Violation Events

Number of Violation Events 1

350 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	X

Violation Base Penalty \$7,500

One single event is recommended.

Good Faith Efforts to Comply

0.0%

Reduction \$0

	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	X	

Notes The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$7,500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$429

Violation Final Penalty Total \$12,348

This violation Final Assessed Penalty (adjusted for limits) \$12,348

Economic Benefit Worksheet

Respondent E. I. du Pont de Nemours and Company
Case ID No. 48513
Reg. Ent. Reference No. RN100216035
Media Industrial and Hazardous Waste
Violation No. 8

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
------------------	-----------	---------------	------------	-----	----------------	---------------	-----------

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]	\$349	3-Nov-2011	1-Jul-2015	4.58	\$80	\$349	\$429
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Estimated avoided cost to properly dispose of approximately 800.4 pounds of hazardous waste and Class 1 waste at an authorized facility. Date Required is the spill date. Final Date is the date of ownership change.

Approx. Cost of Compliance \$349

TOTAL \$429

Screening Date 18-Oct-2012

Docket No. 2014-0506-MLM-E

PCW

Respondent E. I. du Pont de Nemours and Company

Policy Revision 3 (September 2011)

Case ID No. 48513

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN100216035

Media [Statute] Industrial and Hazardous Waste

Enf. Coordinator Keith Frank

Violation Number 9

Rule Cite(s) 30 Tex. Admin. Code §§ 335.43(a) and 335.112(a)(2), 40 CFR §§ 265.31 and 270.1(c), and Tex. Water Code § 26.121

Violation Description Caused, suffered, allowed, or permitted the unauthorized disposal of IHW by failing to maintain and operate the Facility in a manner designed to minimize the possibility of an unplanned sudden release or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water. Specifically, a spill occurred on April 10, 2012, releasing approximately 648 pounds of hazardous waste (EPA Waste Codes D002-corrosive waste and D036-nitrobenzene) to the North ditch.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual		X		30.0%
	Potential				

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0.0%

Matrix Notes Human health or the environment has been exposed to significant amounts of pollutants that do not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$17,500

\$7,500

Violation Events

Number of Violation Events 1 Number of violation days 191

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	X

Violation Base Penalty \$7,500

One single event is recommended.

Good Faith Efforts to Comply

0.0% Reduction \$0

	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	X	

Notes The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$7,500

Economic Benefit (EB) for this violation

Estimated EB Amount \$363

Statutory Limit Test

Violation Final Penalty Total \$12,348

This violation Final Assessed Penalty (adjusted for limits) \$12,348

Economic Benefit Worksheet

Respondent E. I. du Pont de Nemours and Company
Case ID No. 48513
Reg. Ent. Reference No. RN100216035
Media Industrial and Hazardous Waste
Violation No. 9

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
------------------	-----------	---------------	------------	-----	----------------	---------------	-----------

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]	\$301	10-Apr-2012	1-Jul-2015	4.14	\$62	\$301	\$363
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Estimated avoided cost to properly dispose of approximately 648 pounds of hazardous waste at an authorized facility. Date Required is the spill date. Final Date is the date of ownership change.

Approx. Cost of Compliance

\$301

TOTAL

\$363

Screening Date 18-Oct-2012

Docket No. 2014-0506-MLM-E

PCW

Respondent E. I. du Pont de Nemours and Company

Policy Revision 3 (September 2011)

Case ID No. 48513

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN100216035

Media [Statute] Industrial and Hazardous Waste

Enf. Coordinator Keith Frank

Violation Number 10

Rule Cite(s) 30 Tex. Admin. Code §§ 335.2(b), 335.43(a), and 335.112(a)(2), 40 CFR §§ 265.31 and 270.1(c), and Tex. Water Code § 26.121

Violation Description

Caused, suffered, allowed, or permitted the unauthorized disposal of ISW and IHW by failing to maintain and operate the Facility in a manner designed to minimize the possibility of an unplanned sudden release or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water. Specifically, a spill occurred from off-loading of a vacuum truck on April 15, 2012, releasing approximately 5,970 pounds of hazardous waste (EPA Waste Codes D018-benzene and D036-nitrobenzene) and Class 1 waste to the ACRN/ANIL combined ditch.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual		x		30.0%
	Potential				

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
					0.0%

Matrix Notes

Human health or the environment has been exposed to significant amounts of pollutants that do not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$17,500

\$7,500

Violation Events

Number of Violation Events 1 186 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$7,500

One single event is recommended.

Good Faith Efforts to Comply

0.0%

Reduction \$0

	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	x	

Notes

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$7,500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$2,360

Violation Final Penalty Total \$12,348

This violation Final Assessed Penalty (adjusted for limits) \$12,348

Economic Benefit Worksheet

Respondent E. I. du Pont de Nemours and Company
Case ID No. 48513
Reg. Ent. Reference No. RN100216035
Media Industrial and Hazardous Waste
Violation No. 10

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
------------------	-----------	---------------	------------	-----	----------------	---------------	-----------

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]	\$1,956	15-Apr-2012	1-Jul-2015	4.13	\$404	\$1,956	\$2,360
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Estimated avoided cost to properly dispose of approximately 5,970 pounds of hazardous waste at an authorized facility. Date Required is the spill date. Final Date is the date of ownership change.

Approx. Cost of Compliance

\$1,956

TOTAL

\$2,360



Penalty Calculation Worksheet (PCW)

Policy Revision 3 (September 2011)

PCW Revision August 3, 2011

TCEQ

DATES	Assigned	4-Mar-2014	Screening	14-Mar-2014	EPA Due	
	PCW	12-Oct-2017				

RESPONDENT/FACILITY INFORMATION

Respondent	E. I. du Pont de Nemours and Company		
Reg. Ent. Ref. No.	RN100216035		
Facility/Site Region	10-Beaumont	Major/Minor Source	Major

CASE INFORMATION

Enf./Case ID No.	48513	No. of Violations	3
Docket No.	2014-0506-MLM-E	Order Type	1660
Media Program(s)	Industrial and Hazardous Waste	Government/Non-Profit	No
Multi-Media	Underground Injection Control	Enf. Coordinator	Keith Frank
		EC's Team	Enforcement Team 6
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$25,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) **Subtotal 1**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History Adjustment **Subtotals 2, 3, & 7**

Notes

Culpability Enhancement **Subtotal 4**

Notes

Good Faith Effort to Comply Total Adjustments **Subtotal 5**

Economic Benefit Enhancement* **Subtotal 6**

Total EB Amounts	\$3,749
Estimated Cost of Compliance	\$47,600

*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7 **Final Subtotal**

OTHER FACTORS AS JUSTICE MAY REQUIRE Adjustment **Adjustment**

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

Final Penalty Amount

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty**

DEFERRAL Reduction **Adjustment**

Reduces the Final Assessed Penalty by the indicated percentage.

Notes

PAYABLE PENALTY

Screening Date 14-Mar-2014

Docket No. 2014-0506-MLM-E

PCW

Respondent E. I. du Pont de Nemours and Company

Policy Revision 3 (September 2011)

Case ID No. 48513

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN100216035

Media [Statute] Industrial and Hazardous Waste

Enf. Coordinator Keith Frank

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Number	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	0	0%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	3	60%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgments or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 60%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Satisfactory Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Enhancement for three orders containing a denial of liability.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 60%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 60%

Screening Date 14-Mar-2014

Docket No. 2014-0506-MLM-E

PCW

Respondent E. I. du Pont de Nemours and Company

Policy Revision 3 (September 2011)

Case ID No. 48513

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN100216035

Media [Statute] Industrial and Hazardous Waste

Enf. Coordinator Keith Frank

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code §§ 335.43(a) and 335.112(a)(2), 40 Code of Federal Regulations ("CFR") §§ 265.31 and 270.1(c), and Tex. Water Code § 26.121

Violation Description Caused, suffered, allowed, or permitted the unauthorized disposal of industrial hazardous waste ("IHW") by failing to maintain and operate the Facility in a manner designed to minimize the possibility of an unplanned sudden release or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water. Specifically, a spill occurred on May 18, 2013, releasing approximately 275,000 gallons of treated wastewater mixed with approximately 8.495 pounds of hazardous waste (Environmental Protection Agency ("EPA") Waste Code U012-aniline). The spill caused unauthorized discharges to soil in unlined earthen wastewater conveyance ditches and to Lucite Beaumont Site's B Diversion Tank.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual			X	15.0%
	Potential				

>> Programmatic Matrix

Matrix Notes	Falsification			Percent
	Major	Moderate	Minor	
				0.0%

Human health or the environment has been exposed to insignificant amounts of pollutants that do not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$21,250

\$3,750

Violation Events

Number of Violation Events 4 Number of violation days 300

daily	
weekly	
monthly	
quarterly	X
semiannual	
annual	
single event	

Violation Base Penalty \$15,000

Four quarterly events are recommended based on documentation of the violation from the May 18, 2013 spill date to the March 14, 2014 screening date.

Good Faith Efforts to Comply

0.0% Reduction \$0

Before NOE/NOV NOE/NOV to EDRP/Settlement Offer

Extraordinary		
Ordinary		
N/A	X	

Notes The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$15,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$2,415 Violation Final Penalty Total \$24,000

This violation Final Assessed Penalty (adjusted for limits) \$24,000

Economic Benefit Worksheet

Respondent E. I. du Pont de Nemours and Company
Case ID No. 48513
Reg. Ent. Reference No. RN100216035
Media Industrial and Hazardous Waste
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
------------------	-----------	---------------	------------	-----	----------------	---------------	-----------

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal	\$27,500	18-May-2013	18-Feb-2015	1.76	\$2,415	n/a	\$2,415
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to properly dispose of approximately 275,000 gallons of wastewater mixed with hazardous waste at an authorized facility. Date Required is the spill date. Final Date is the date the waste was properly disposed of.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$27,500

TOTAL

\$2,415

Screening Date 14-Mar-2014

Docket No. 2014-0506-MLM-E

PCW

Respondent E. I. du Pont de Nemours and Company

Policy Revision 3 (September 2011)

Case ID No. 48513

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN100216035

Media [Statute] Industrial and Hazardous Waste

Enf. Coordinator Keith Frank

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code §§ 335.43(a) and 335.112(a)(2), 40 CFR §§ 265.31 and 270.1(c), and Tex. Water Code § 26.121

Violation Description

Caused, suffered, allowed, or permitted the unauthorized disposal of IHW by failing to maintain and operate the Facility in a manner designed to minimize the possibility of an unplanned sudden release or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water. Specifically, a spill occurred on October 19, 2013, releasing approximately 200,000 gallons of wastewater mixed with approximately 7.0 pounds of hazardous waste (EPA Waste Code D036-nitrobenzene). The spill caused unauthorized discharges to soil in unlined earthen wastewater conveyance ditches and to Lucite Beaumont Site's B Diversion Tank.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm		
		Major	Moderate	Minor
Actual				x
Potential				

Percent 15.0%

>> Programmatic Matrix

	Major	Moderate	Minor
Falsification			

Percent 0.0%

Matrix Notes

Human health or the environment has been exposed to insignificant amounts of pollutants that do not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$21,250

\$3,750

Violation Events

Number of Violation Events 2

146 Number of violation days

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty \$7,500

Two quarterly events are recommended based on documentation of the violation from the October 19, 2013 spill date to the March 14, 2014 screening date.

Good Faith Efforts to Comply

0.0%

Reduction \$0

	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	x	

Notes The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$7,500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$1,334

Violation Final Penalty Total \$12,000

This violation Final Assessed Penalty (adjusted for limits) \$12,000

Economic Benefit Worksheet

Respondent E. I. du Pont de Nemours and Company
Case ID No. 48513
Reg. Ent. Reference No. RN100216035
Media Industrial and Hazardous Waste
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
------------------	-----------	---------------	------------	-----	----------------	---------------	-----------

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal	\$20,000	19-Oct-2013	18-Feb-2015	1.33	\$1,334	n/a	\$1,334
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to properly dispose of approximately 200,000 gallons of wastewater mixed with hazardous waste at an authorized facility. Date Required is the spill date. Final Date is the date the waste was properly disposed of.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$20,000

TOTAL

\$1,334

Screening Date 14-Mar-2014

Docket No. 2014-0506-MLM-E

PCW

Respondent E. I. du Pont de Nemours and Company

Policy Revision 3 (September 2011)

Case ID No. 48513

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN100216035

Media [Statute] Industrial and Hazardous Waste

Enf. Coordinator Keith Frank

Violation Number 3

Rule Cite(s) 30 Tex. Admin. Code § 335.9(a)(1)

Violation Description Failed to keep records of all hazardous and industrial solid waste activities. Specifically, closure records were not provided for Notice of Registration ("NOR") Waste Management Unit ("WMU") No. 090.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				0.0%
	Potential				

>> Programmatic Matrix

Matrix Notes	Falsification	Harm			Percent
		Major	Moderate	Minor	
				x	1.0%

Matrix Notes Less than 30% of the rule requirement was not met.

Adjustment \$24,750

\$250

Violation Events

Number of Violation Events 1 37 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$250

One single event is recommended.

Good Faith Efforts to Comply

10.0% Reduction \$25

	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		x
N/A		

Notes The Respondent came into compliance on March 27, 2014, after the Notice of Enforcement dated February 28, 2014.

Violation Subtotal \$225

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$1

Violation Final Penalty Total \$375

This violation Final Assessed Penalty (adjusted for limits) \$375

Economic Benefit Worksheet

Respondent E. I. du Pont de Nemours and Company
Case ID No. 48513
Reg. Ent. Reference No. RN100216035
Media Industrial and Hazardous Waste
Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
------------------	-----------	---------------	------------	-----	----------------	---------------	-----------

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System	\$100	18-Feb-2014	27-Mar-2014	0.10	\$1	n/a	\$1
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to provide closure records for NOR WMU No. 090. Date Required is the investigation date. Final Date is the date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$100

TOTAL

\$1

The TCEQ is committed to accessibility.

To request a more accessible version of this report, please contact the TCEQ Help Desk at (512) 239-4357.



Compliance History Report

Compliance History Report for CN600128284, RN100216035, Rating Year 2017 which includes Compliance History (CH) components from September 1, 2012, through August 31, 2017.

Customer, Respondent, or Owner/Operator: CN600128284, E. I. du Pont de Nemours and Company **Classification:** SATISFACTORY **Rating:** 5.73
Regulated Entity: RN100216035, Chemours Beaumont Aniline Facility **Classification:** SATISFACTORY **Rating:** 3.89
Complexity Points: 22 **Repeat Violator:** NO
CH Group: 05 - Chemical Manufacturing
Location: 5470 N TWIN CITY HWY NEDERLAND, TX 77627-3168, JEFFERSON COUNTY
TCEQ Region: REGION 10 - BEAUMONT

ID Number(s):

AIR OPERATING PERMITS ACCOUNT NUMBER JE0033C

INDUSTRIAL AND HAZARDOUS WASTE EPA ID

TXD008081101

AIR NEW SOURCE PERMITS REGISTRATION 16323

AIR NEW SOURCE PERMITS REGISTRATION 24141

AIR NEW SOURCE PERMITS REGISTRATION 29192

AIR NEW SOURCE PERMITS REGISTRATION 31444

AIR NEW SOURCE PERMITS PERMIT 1743A

AIR NEW SOURCE PERMITS PERMIT 2324

AIR NEW SOURCE PERMITS PERMIT 2672

AIR NEW SOURCE PERMITS PERMIT 3879

AIR NEW SOURCE PERMITS PERMIT 4704

AIR NEW SOURCE PERMITS PERMIT 5310

AIR NEW SOURCE PERMITS PERMIT 6183

AIR NEW SOURCE PERMITS PERMIT 8106

AIR NEW SOURCE PERMITS REGISTRATION 10013

AIR NEW SOURCE PERMITS REGISTRATION 12208

AIR NEW SOURCE PERMITS REGISTRATION 12835

AIR NEW SOURCE PERMITS REGISTRATION 12894

AIR NEW SOURCE PERMITS REGISTRATION 12896

AIR NEW SOURCE PERMITS REGISTRATION 14020

AIR NEW SOURCE PERMITS REGISTRATION 14489

AIR NEW SOURCE PERMITS AFS NUM 4824500003

AIR NEW SOURCE PERMITS REGISTRATION 54296

AIR NEW SOURCE PERMITS REGISTRATION 71369

AIR NEW SOURCE PERMITS REGISTRATION 111977

TAX RELIEF ID NUMBER 17295

AIR EMISSIONS INVENTORY ACCOUNT NUMBER JE0033C

LEAKING PETROLEUM STORAGE TANKS REMEDIATION

ID NUMBER 92317

Compliance History Period: September 01, 2012 to August 31, 2017

Rating Year: 2017

Rating Date: 09/01/2017

Date Compliance History Report Prepared: November 15, 2017

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: November 15, 2012 to November 15, 2017

TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.

Name: Keith Frank

Phone: (512) 239-1203

INDUSTRIAL AND HAZARDOUS WASTE PERMIT 50166

INDUSTRIAL AND HAZARDOUS WASTE SOLID WASTE

REGISTRATION # (SWR) 30010

AIR NEW SOURCE PERMITS REGISTRATION 18127

AIR NEW SOURCE PERMITS REGISTRATION 29106

AIR NEW SOURCE PERMITS REGISTRATION 31224

AIR NEW SOURCE PERMITS ACCOUNT NUMBER JE0033C

AIR NEW SOURCE PERMITS PERMIT 2053

AIR NEW SOURCE PERMITS PERMIT 2340

AIR NEW SOURCE PERMITS PERMIT 3310

AIR NEW SOURCE PERMITS PERMIT 4351A

AIR NEW SOURCE PERMITS PERMIT 4752

AIR NEW SOURCE PERMITS PERMIT 5777

AIR NEW SOURCE PERMITS PERMIT 6301

AIR NEW SOURCE PERMITS PERMIT 8143

AIR NEW SOURCE PERMITS REGISTRATION 11844

AIR NEW SOURCE PERMITS REGISTRATION 12368

AIR NEW SOURCE PERMITS REGISTRATION 12888

AIR NEW SOURCE PERMITS REGISTRATION 12895

AIR NEW SOURCE PERMITS REGISTRATION 13542

AIR NEW SOURCE PERMITS REGISTRATION 14134

AIR NEW SOURCE PERMITS REGISTRATION 75778

AIR NEW SOURCE PERMITS REGISTRATION 71190

AIR NEW SOURCE PERMITS REGISTRATION 52358

AIR NEW SOURCE PERMITS REGISTRATION 54705

AIR NEW SOURCE PERMITS REGISTRATION 111976

IHW CORRECTIVE ACTION SOLID WASTE REGISTRATION

(SWR) 30010

POLLUTION PREVENTION PLANNING ID NUMBER

P00189

Site and Owner/Operator History:

- 1) Has the site been in existence and/or operation for the full five year compliance period? YES
- 2) Has there been a (known) change in ownership/operator of the site during the compliance period? YES
- 3) Who is the current owner/operator? The Chemours Company FC, LLC OWNER OPERATOR since 11/20/2014
- 4) Who was/were the prior owner(s)/operator(s)? E. I. du Pont de Nemours and Company

Components (Multimedia) for the Site Are Listed in Sections A - J

A. Final Orders, court judgments, and consent decrees:

- 1 Effective Date: 01/12/2013 ADMINORDER 2012-0861-AIR-E (1660 Order-Agreed Order With Denial)
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: General Terms and Conditions OP
SC 1 PERMIT
SC 13 OP
Description: Failure to maintain emission rates below the allowable emission limits. A8(c)(2)(A)(ii) MOD (2)(D)
- 2 Effective Date: 07/05/2014 ADMINORDER 2014-0041-AIR-E (1660 Order-Agreed Order With Denial)
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: Special Conditions 1 PERMIT
Special Terms and Conditions 15 OP
Description: Failure to maintain emission rates below the authorized emission limits. Specifically, a leak on the South Reactor Standpipe in the Dehydration Nitration Process caused the unauthorized release of 202 lbs of benzene, 172 lbs of nitrobenzene emissions, and 149 lbs of sulfuric acid.
- 3 Effective Date: 02/04/2016 ADMINORDER 2015-0595-AIR-E (1660 Order-Agreed Order With Denial)
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: Special Condition 15 OP
Special Condition 17 PERMIT
Description: Failed to conduct monthly VOC monitoring in accordance with the requirements of the TCEQ Sampling Procedures Manual, Appendix P. Specifically, the Respondent failed to collect cooling tower water samples that were representative of all return waters from the Aniline Cooling Tower, EPNs ANI-CT208A, ANI-CT208B, and ANI-CT208C, from May 2010 through March 2015.

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

D. The approval dates of investigations (CEDS Inv. Track. No.):

Item 1	January 31, 2013	(1054933)
Item 2	February 22, 2013	(1059559)
Item 3	July 03, 2013	(1100048)
Item 4	July 15, 2013	(1099761)
Item 5	December 16, 2013	(1124248)
Item 6	February 19, 2014	(1146078)

Item 7	April 06, 2014	(1156599)
Item 8	May 12, 2014	(1164854)
Item 9	June 02, 2014	(1171482)
Item 10	September 15, 2014	(1186435)
Item 11	February 06, 2015	(1222509)
Item 12	March 26, 2015	(1229716)
Item 13	June 02, 2015	(1253584)
Item 14	June 08, 2015	(1254571)
Item 15	February 24, 2016	(1313659)
Item 16	March 08, 2016	(1314559)
Item 17	March 09, 2016	(1311904)
Item 18	March 28, 2016	(1322111)
Item 19	April 15, 2016	(1312754)
Item 20	May 06, 2016	(1329498)
Item 21	April 05, 2017	(252758)
Item 22	April 19, 2017	(1403583)

E. Written notices of violations (NOV) (CCEDS Inv. Track. No.):

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

N/A

F. Environmental audits:

N/A

G. Type of environmental management systems (EMSs):

N/A

H. Voluntary on-site compliance assessment dates:

N/A

I. Participation in a voluntary pollution reduction program:

N/A

J. Early compliance:

N/A

Sites Outside of Texas:

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
E. I. DU PONT DE NEMOURS
AND COMPANY
RN100216035

§
§
§
§
§
§

BEFORE THE

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY

AGREED ORDER
DOCKET NO. 2014-0506-MLM-E

I. JURISDICTION AND STIPULATIONS

On _____, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding E. I. du Pont de Nemours and Company (the "Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 361 and TEX. WATER CODE chs. 7, 26, and 27. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent, represented by Mr. Rod Johnson of the law firm of Enoch Keever PLLC, together stipulate that:

1. The Respondent owned and operated a chemical manufacturing plant at 5470 North Twin City Highway in Nederland, Jefferson County, Texas (the "Facility"). The Respondent ceased ownership and operation of the Facility as of July 1, 2015. The Facility involves or involved the management of industrial hazardous waste ("IHW") as defined in TEX. HEALTH & SAFETY CODE ch. 361. The Respondent utilized, is utilizing, has begun drilling, or is converting injection wells as that term is defined in TEX. WATER CODE § 27.002(11).
2. The Executive Director and the Respondent agree that the TCEQ has jurisdiction to enter this Order pursuant to TEX. WATER CODE §§ 7.002, 7.051, and 7.073, and that the Respondent is subject to TCEQ's jurisdiction. The TCEQ has jurisdiction in this matter pursuant to TEX. WATER CODE §§ 5.013 and 27.011 because it alleges violations of TEX. HEALTH & SAFETY CODE ch. 361, TEX. WATER CODE chs. 26 and 27, and the rules of the TCEQ.
3. The occurrence of any violation is in dispute and the entry of this Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
4. An administrative penalty in the amount of \$214,852 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent paid \$171,882 of the penalty and \$42,970 is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Order. The deferred amount shall be waived only upon full compliance with all the terms and conditions contained in this Order. If the Respondent fails to timely and satisfactorily comply with any of the

terms or requirements contained in this Order, the Executive Director may demand payment of all or part of the deferred penalty amount.

5. The Executive Director and the Respondent agree on a settlement of the matters alleged in this enforcement action, subject to final approval in accordance with 30 TEX. ADMIN. CODE § 70.10(a). Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
6. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Order.
7. This Order represents the complete and fully-integrated agreement of the parties. The provisions of this Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Order unenforceable, the remaining provisions shall be valid and enforceable.
8. This Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Order, whichever is later.
9. The Executive Director recognizes that the Respondent implemented the following corrective measures at the Facility:
 - a. Submitted documentation demonstrating quarterly equipment calibrations of all Underground Injection Control ("UIC") equipment were being conducted on October 26, 2012;
 - b. Submitted documentation demonstrating the implementation of procedures and conducted employee training on procedures designed to ensure the specific gravity of injected waste is monitored every 24 hours on October 26, 2012;
 - c. Submitted documentation demonstrating training on maintaining complete and accurate UIC records was conducted for Facility employees on October 26, 2012;
 - d. Obtained sufficient financial assurance for Waste Disposal Well ("WDW") 188 on May 22, 2012;
 - e. Submitted documentation demonstrating all containers holding hazardous wastes are closed during storage on October 26, 2012;
 - f. Posted "No Smoking" signs at Container Storage Area ("CSA") Notice of Registration ("NOR") Nos. 72, 84, and 100 on October 18, 2012;
 - g. Submitted documentation demonstrating that the evacuation plan has been added to the contingency plan on October 26, 2012; and
 - h. Submitted closure records for NOR Waste Management Unit ("WMU") No. 090 on March 27, 2014.

II. ALLEGATIONS

1. During an investigation conducted on May 17, 2012, an investigator documented that the Respondent:
 - a. Failed to conduct quarterly calibrations of UIC well monitoring equipment, in violation of 30 TEX. ADMIN. CODE § 331.63(g) and UIC Permit No. WDW188, Permit Provision ("P.P.") XI.E.2. Specifically, calibration of the monitoring equipment was not conducted for the first quarter of 2011.
 - b. Caused, suffered, allowed, or permitted the unauthorized disposal of IHW by failing to maintain and operate the Facility in a manner designed to minimize the possibility of an unplanned sudden release or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water, in violation of 30 TEX. ADMIN. CODE §§ 335.43(a) and 335.112(a)(2), 40 CODE OF FEDERAL REGULATIONS ("CFR") §§ 265.31 and 270.1(c), and TEX. WATER CODE § 26.121. Specifically, a spill from the AWWT tank occurred on February 4, 2011, releasing approximately 18,570 pounds of hazardous waste (Environmental Protection Agency ("EPA") Waste Codes D018-benzene and D036-nitrobenzene) to the North/South run of "B" ditch.
 - c. Caused, suffered, allowed, or permitted the unauthorized disposal of IHW by failing to maintain and operate the Facility in a manner designed to minimize the possibility of an unplanned sudden release or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water, in violation of 30 TEX. ADMIN. CODE §§ 335.43(a) and 335.112(a)(2), 40 CFR §§ 265.31 and 270.1(c), and TEX. WATER CODE § 26.121. Specifically, a spill from the caustic storage tank (pipe) occurred on February 10, 2011, releasing approximately 20,500 pounds of hazardous waste (EPA Waste Code D002-corrosive waste) to the north ditch and the East/West run of "B" ditch.
 - d. Caused, suffered, allowed, or permitted the unauthorized disposal of industrial solid waste ("ISW"), in violation of 30 TEX. ADMIN. CODE § 335.2(b), 40 CFR § 270.1(c), and TEX. WATER CODE § 26.121. Specifically, a spill from the aniline safety tank occurred on March 2, 2011, releasing approximately 8,262 pounds of Class 1 waste to the ACRN/ANIL combined ditch.
 - e. Caused, suffered, allowed, or permitted the unauthorized disposal of IHW by failing to maintain and operate the Facility in a manner designed to minimize the possibility of an unplanned sudden release or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water, in violation of 30 TEX. ADMIN. CODE §§ 335.43(a) and 335.112(a)(2), 40 CFR §§ 265.31 and 270.1(c), and TEX. WATER CODE § 26.121. Specifically, a spill from the dilute HNO₃ tank occurred on March 17, 2011, releasing approximately 563 pounds of hazardous waste (EPA Waste Code D002-corrosive waste) to the North/South run of "B" ditch.
 - f. Caused, suffered, allowed, or permitted the unauthorized disposal of ISW and IHW by failing to maintain and operate the Facility in a manner designed to

minimize the possibility of an unplanned sudden release or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water, in violation of 30 TEX. ADMIN. CODE §§ 335.2(b), 335.43(a), and 335.112(a)(2), 40 CFR §§ 265.31 and 270.1(c), and TEX. WATER CODE § 26.121. Specifically, a spill from the west wastewater tank occurred on March 19, 2011, releasing approximately 48.4 pounds of hazardous waste (EPA Waste Codes D018-benzene and D036-nitrobenzene) and Class 1 waste to the North/South run of "B" ditch. The spill resulted in an unauthorized discharge from outfall 001 to the Neches River.

- g. Failed to monitor the specific gravity of injected waste at least once every 24 hours, in violation of 30 TEX. ADMIN. CODE § 331.64(b) and UIC Permit No. WDW188, P.P. VIII.G. Specifically, samples were not collected for the 24-hour time periods on October 21 and November 1, 2011.
- h. Failed to keep complete and accurate UIC records, in violation of 30 TEX. ADMIN. CODE § 331.67(a)(4) and UIC Permit No. WDW188, P.P.IX. Specifically, the Respondent's flow records were not accurate for November 12, 2011.
- i. Failed to maintain an annulus pressure of at least 100 pounds per square inch ("psi") greater than the injection tubing pressure to prevent leaks from the well into unauthorized zones and to detect well malfunctions, in violation of 30 TEX. ADMIN. CODE § 331.63(e) and UIC Permit No. WDW188, P.P.VII.F. Specifically, Quarterly Injection Reports showed the annulus pressure differential was less than 100 psi for a period of greater than 15 minutes on March 22 and 23, 2012.
- j. Failed to establish and maintain sufficient liability coverage for bodily injury and property damage to third parties caused by sudden or non-sudden accidental occurrences arising from operations of a hazardous waste Class 1 waste injection well, in violation of 30 TEX. ADMIN. CODE § 331.142(b) and UIC Permit No. WDW188, P.P.X. Specifically, the Respondent failed to secure financial assurance from May 1 to May 22, 2012 and failed to make an inflation adjustment.
- k. Failed to keep containers holding hazardous waste closed during storage, except when it is necessary to add and/or remove waste, in violation of 30 TEX. ADMIN. CODE § 335.112(a)(8) and 40 CFR § 265.173(a). Specifically, three hazardous waste containers were open while storing hazardous waste.
- l. Failed to conspicuously post "No Smoking" signs wherever there is a hazard from ignitable or reactive waste, in violation of 30 TEX. ADMIN. CODE § 335.112(a)(1) and 40 CFR § 265.17(a). Specifically, CSA NOR Nos. 72, 84, and 100 did not have "No Smoking" signs posted.
- m. Failed to include an evacuation plan as part of the contingency plan, in violation of 30 TEX. ADMIN. CODE § 335.112(a)(3) and 40 CFR § 265.52(f).
- n. Caused, suffered, allowed, or permitted the unauthorized disposal of ISW and IHW by failing to maintain and operate the Facility in a manner designed to

October 19, 2013, releasing approximately 200,000 gallons of wastewater mixed with approximately 7.0 pounds of hazardous waste (EPA Waste Code D036-nitrobenzene). The spill caused unauthorized discharges to soil in unlined earthen wastewater conveyance ditches and to Lucite Beaumont Site's B Diversion Tank.

- c. Failed to keep records of all hazardous and ISW activities, in violation of 30 TEX. ADMIN. CODE § 335.9(a)(1). Specifically, closure records were not provided for NOR WMU No. 090.

III. DENIALS

The Respondent generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

NOW, THEREFORE, THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY ORDERS that:

1. The Respondent is assessed a penalty as set forth in Section I, Paragraph 4. The payment of this penalty and the Respondent's compliance with all of the requirements set forth in this Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: E. I. du Pont de Nemours and Company, Docket No. 2014-0506-MLM-E" to:

Financial Administration Division, Revenue Operations Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088
2. All relief not expressly granted in this Order is denied.
3. The duties and provisions imposed by this Order shall apply to and be binding upon the Respondent.
4. The Executive Director may grant an extension of any deadline in this Order or in any plan, report, or other document submitted pursuant to this Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
5. This Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.

6. This Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms: electronic transmission, owner, person, writing, and written, shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.
7. The effective date of this Order is the date it is signed by the Commission. A copy of this fully executed Order shall be provided to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Date



For the Executive Director

7/30/18

Date

I, the undersigned, have read and understand the attached Order. I am authorized to agree to the attached Order, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that failure to comply with the Ordering Provisions, if any, in this Order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.



Signature

March 20, 2018

Date

Matthew C. Koenings

Name (Printed or typed)
Authorized Representative of
E. I. du Pont de Nemours and Company

Vice President - Corporate Operations

Title

If mailing address has changed, please check this box and provide the new address below: